




*Procedure* § 1907(1), at 1400 (1962)).

Having weighed the equities and all the circumstances, the undersigned hereby recommends that Evans's motion be **GRANTED** and that his case be **DISMISSED** without prejudice pursuant to Fed. R. Civ. P. 41(a)(2).

Dated: October 28, 2011.

  
NANCY M. KOENIG  
United States Magistrate Judge